

ESTTA Tracking number: **ESTTA669076**

Filing date: **04/28/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219982
Party	Defendant Stacy Lee Huggins
Correspondence Address	TREVOR P SCHMIDT HUTCHISON PLLC 3110 EDWARDS MILL ROAD, SUITE 300 RALEIGH, NC 27612 UNITED STATES tmgroup@hutchlaw.com, tschmidt@hutchlaw.com
Submission	Other Motions/Papers
Filer's Name	Trevor P. Schmidt
Filer's e-mail	tschmidt@hutchlaw.com
Signature	/Trevor P. Schmidt/
Date	04/28/2015
Attachments	STHU.21000 Notice of Appeal to CAFC.pdf(592482 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark
Application Serial No. 86/033,388
Filing Date: August 9, 2013
Mark: 'COKE HEAD
Published for Opposition: September 2, 2014

3PMC, LLC,

Opposer,

V.

STACY LEE HUGGINS,

Applicant.

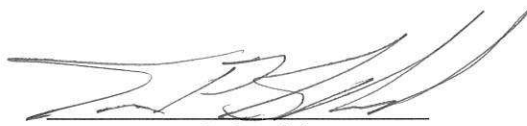
Opposition No. 91219982

NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

Appellant Stacy Lee Huggins (hereinafter “Appellant” or “Applicant”) hereby appeals to the United States Court of Appeals for the Federal Circuit for review of the final judgment against Applicant by the Trademark Trial and Appeal Board in Opposition No. 91219982, entered on February 28, 2015. The appeal is filed within sixty days of the final judgment, in accordance with 15 U.S.C. §1071(a)(2).

A copy of the final judgment is attached hereto.

Respectfully submitted this 28th day of April, 2015.

A handwritten signature in black ink, appearing to read 'T. Schmidt', written over a horizontal line.

By: Trevor P. Schmidt
Hutchison PLLC
3110 Edwards Mill Road, Suite 300
Raleigh, North Carolina 27612
Tel. (919) 828-4296
Fax (844) 397-8265

Attorney for Applicant
Stacy Lee Huggins

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **Notice of Appeal** was served via First Class Mail with proper postage affixed, the 28th day of April, 2015, to:

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Arlington, VA 22313-1450

and that a true and correct copy of the foregoing **Notice of Appeal** was served via First Class Mail with proper postage affixed, the 28th day of April, 2015, to:

Matthew J. Schonauer
Standley Law Group LLP
6300 Riverside Drive
Dublin, OH 43017
mschonauer@standleyllp.com
Attorney for Opposer

and that three true and correct copies of the foregoing **Notice of Appeal**, with payment of the filing fee were sent by First Class Mail with proper postage affixed, the 28th day of April, 2015, to:

Clerk of the Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439

A handwritten signature in black ink, appearing to read 'Trevor P. Schmidt', is written over a horizontal line.

Trevor P. Schmidt
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

VW

Mailed: February 28, 2015

Opposition No. 91219982

3PMC, LLC

v.

Stacy Lee Huggins

By the Trademark Trial and Appeal Board:

On December 31, 2014, applicant filed with the examining operation, via the TEAS system, an abandonment of its involved application Serial No. 86033388.¹

Trademark Rule 2.135 provides that if, in an inter partes proceeding, the applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against applicant.

In view thereof, and because opposer's written consent to the abandonment is not of record, judgment is entered against applicant, the opposition is sustained and registration to applicant is refused.

¹ Inasmuch as the Board has jurisdiction over the opposed application as of the filing of the notice of opposition, the filing should have been filed with the Board utilizing the Board's Electronic System for Trademark Trial and Appeals (ESTTA), filing system at <http://estta.uspto.gov/>; the failure to do so resulted in delay in processing said abandonment.

Additionally, Applicant's abandonment does not indicate proof of service of a copy of same on counsel for Opposer, as required by Trademark Rule 2.119. A copy of the abandonment can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.